

REMARKS

Claims 1-20 are currently pending in this application. Claims 1-3, 5, 8, and 9 have been amended to correct typographical errors and/or to correct antecedent bases of certain features of these claims, and not for any reasons related to patentability. Claims 12-20 have been added. In the Final Office Action mailed September 25, 2007, all of the pending claims were rejected. More specifically, the status of the application in light of this Office Action is as follows:

- (A) Claims 1-3, 5, 6, and 8-11 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,556,711 to Koga et al. ("Koga") in view of U.S. Pat. No. 4,996,603 to Kanemitsu et al. ("Kanemitsu"); and
- (B) Claims 4 and 7 were rejected under 35 U.S.C. § 103(a) over Koga in view of Kanemitsu and U.S. Pat. No. 5,987,221 to Bearss et al. ("Bearss").

The undersigned attorney wishes to thank the Examiner and his supervisor, Examiner Haskins, for engaging in a telephone conference with his colleagues, Steve Arnett and Joe Brennan, on December 18, 2007 to discuss the present Office Action, the applied references, and the pending claims. The applicants request that this paper constitute the applicants' Interview Summary. If the Examiner notices any deficiencies with this paper in this regard, he is encouraged to contact the undersigned attorney to correct such deficiencies.

The following remarks summarize and expand upon the results of the December 18th telephone conference, and they also reflect the agreements reached between the undersigned attorney's colleagues and the Examiner and his supervisor during the telephone conference. For example, the following remarks reflect the Examiner's agreement that he would reconsider the rejections of the pending claims in light of the undersigned attorney's colleagues' remarks that the pending claims are patentable over the applied references.

A. Response to the Section 103(a) Rejection of Claims 1-3, 5, 6, and 8-11 (Koga and Kanemitsu)

Claims 1-3, 5, 6, and 8-11 were rejected under Section 103(a) as being unpatentable over Koga in view of Kanemitsu. As discussed during the December 18th telephone conference and as set forth below, however, the applied references cannot support a Section 103 rejection of these claims for at least the reason that these references fail to teach or suggest all the claimed features.

1. Independent Claim 1 is Directed to a Method of Detecting Images and Characters in a Master Copy, the Method Including, *inter alia*, Determining a Background Color of a Master Copy, Separating Content of the Master Copy into at Least One Image and at Least One Character Based at Least in Part on the Background Color, Processing the Image, Processing the Character, and Combining the Processed Image and Character

Independent claim 1 is directed to a method of detecting images and character in a master copy. The method includes determining a background color of the master copy and separating content of the master copy into at least one image and at least one character "based at least in part on said background color." The method further includes processing the image with halftone processing, processing the character with line art processing, and combining the processed image and the processed character as a whole.

2. The Applied Art

a. Koga Describes an Image Processing Apparatus and Method

Koga describes an image processing method and apparatus for extracting image segments having different characteristics from an input color image and judging each of the characteristics of these image segments. (Koga, 1:10-16.)

b. Kanemitsu Describes an Image Processing System

Kanemitsu describes an image processing system that enables clear reproduction of an original document that includes mixed characters, ruled lines, and photos. (Kanemitsu, 2:1-6.)

3. Koga and Kanemitsu Fail to Support a *Prima Facie* Case for Rejecting Claim 1 under Section 103 for at Least the Reason that These References Fail to Teach or Suggest Separating Content of a Master Copy into Image and Character Based at Least in Part on the Background Color

Koga and Kanemitsu fail to support a *prima facie* case for rejecting claim 1 under Section 103 for at least the reason that these references fail to disclose or suggest several claimed features. For example, as discussed during the December 18th telephone conference, Koga does not disclose or suggest "separating content of said master copy into at least one image and at least one character based at least in part on said background color." According to the Office Action, Koga describes this feature at column 5, lines 14-17. (Office Action, pp. 6 and 7.) The relied-upon portion of Koga actually states: "Fig. 17 is a block diagram showing the construction of an image segmentation unit for discriminating between a character/line-drawing image segment and a pseudo-halftone image segment." The relied-upon portion of Koga does not teach or suggest separating the content of a master copy based at least in part on the master copy's background color, as recited in claim 1. In fact, nowhere does Koga teach or suggest this feature. Kanemitsu fails to cure the deficiencies of Koga with respect to claim 1. Accordingly, for at least this reason, claim 1 is patentable over the combination of Koga and Kanemitsu. During the course of the telephone conference, the Examiner indicated that he would reconsider the rejection of claim 1 in light of these remarks. Therefore, the undersigned attorney respectfully requests that the Examiner reconsider and withdraw the rejection of claim 1.

Claim 2 depends from base claim 1. Claim 2 recites, *inter alia*, "choosing a second background color from at least one of said individual areas." According to the Office Action, Koga describes this feature at column 4, lines 22-25. (Office Action, pp. 8 and 9.) The relied-upon portion of Koga actually states: "The invention further discloses an image processing apparatus ... having ... second extraction means for extracting an image segment from the input color image using data of the image segment extracted by the first extraction means." (Koga, 4:17-25.) In the relied-upon portion, Koga describes the

components (i.e., the structural aspects) of the image processing apparatus. A second extraction means, which is a structural aspect, does not and cannot correspond to "choosing a second background color from at least one of said individual areas," as recited in claim 2. In fact, nowhere does Koga teach or suggest this feature of claim 2. Furthermore, Kanemitsu fails to cure the deficiencies of Koga with respect to claim 2. Accordingly, for at least the reasons discussed above with respect to claim 1 and for these additional reasons, claim 2 is patentable over the combination of Koga and Kanemitsu. During the course of the telephone conference, the Examiner indicated that he would reconsider the rejection of claim 2 in light of these remarks. Therefore, the undersigned attorney respectfully requests that the Examiner reconsider and withdraw the rejection of claim 2.

Claim 3 depends from base claim 1. Accordingly, the Section 103 rejection of dependent claim 3 should be withdrawn for at least the foregoing reasons discussed above with respect to claim 1, and for the additional features of this dependent claim.

Independent claims 5 and 8 include several features generally similar to those of claim 1. For example, claim 5 recites "separating the content of the master copy into images and text based at least in part on the first background color," and claim 8 recites "dividing content of said master copy into images and text with said chosen background color as a criterion." Accordingly, claims 5 and 8 are patentable over Koga and Kanemitsu for the reasons discussed above with respect to claim 1, and for the additional features of these independent claims. Therefore, the Section 103 rejection of claims 5 and 8 should be withdrawn.

Claim 6 depends from base claim 5, and claims 9-11 depend from base claim 8. Accordingly, the Section 103 rejection of claims 6 and 9-11 should be withdrawn for at least the foregoing reasons, and for the additional features of these dependent claims.

B. Response to the Section 103(a) Rejection of Claims 4 and 7 (Koga, Kanemitsu, and Bearss)

Claims 4 and 7 were rejected under Section 103(a) as unpatentable over Koga in view of Kanemitsu and Bearss. Claim 4 depends from base claim 1, and claim 7 depends from base claim 5. As discussed above, Koga and Kanemitsu fail to disclose or suggest all the features of claims 1 and 5. Bearss is relied on in the Office Action for describing a dithering process that comprises a sampling mode dithering. (Office Action, pp. 18 and 19.) Even assuming for the sake of argument that this is correct, Bearss fails to cure the above-noted deficiencies of Koga and Kanemitsu to support Section 103 rejections of base claims 1 and 5. Accordingly, claims 4 and 7 are allowable over the combination of Koga, Kanemitsu, and Bearss for at least the reason that these references, either alone or in combination, fail to disclose or suggest the features of claims 1 and 5, and the additional features of corresponding dependent claims 4 and 7. Therefore, the Section 103 rejections of dependent claims 4 and 7 should be withdrawn.

C. New Claims 12-20

New claims 12-20 have been added to the present application. The subject matter of these claims is supported by the figures and text of the original application. Therefore, these claims do not add any new matter to the application and are fully supported under 35 U.S.C. § 112, first paragraph.

Conclusion

In view of the foregoing, the pending claims comply with the requirements of 35 U.S.C. § 112 and are patentable over the applied art. The applicants accordingly request reconsideration of the application and mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact the undersigned at (206) 359-3982.

Dated: 11/25/08

Respectfully submitted,

By _____

Aaron J. Poledna

Registration No.: 54,675

PERKINS COIE LLP

P.O. Box 1247

Seattle, Washington 98111-1247

(206) 359-8000

(206) 359-7198 (Fax)

Attorney for Applicants